

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 9, 2002
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Rob Ogden, Deputy County Assessor
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 2, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Heier moved and Campbell seconded approval of the minutes of the Board of Equalization dated April 2, 2002. Campbell, Workman, Heier and Stevens voted aye. Hudkins was absent from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 110 additions and deductions to the tax assessment rolls per Exhibit A.

The Chair requested voucher numbers 595 through 652 be voted on separately because Commissioner Heier has a conflict of interest on them.

MOTION: Campbell moved and Stevens seconded approval of voucher numbers 558 through 594, 635 through 664 and 1420 through 1423. Heier, Campbell, Stevens and Workman voted aye. Hudkins was absent from voting. Motion carried.

The Chair called for a motion on voucher numbers 595 through 652.

MOTION: Campbell moved and Stevens seconded voucher numbers 595 through 652. Stevens, Workman and Campbell voted aye. Heier abstained from voting. Hudkins was absent from voting. Motion carried.

(Hudkins entered the Chambers at 1:35 p.m.)

3) **MOTOR VEHICLE TAX EXEMPTIONS FOR THE FOLLOWING:**

**Cornhusker Council, Boy Scouts of America
YWCA of Lincoln**

MOTION: Heier moved and Hudkins seconded approval of the motor vehicle tax exemptions. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned at 1:37 p.m.

Bruce Medcalf
County Clerk

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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 2, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Commissioners dated April 2, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **CLAIMS FOR REVIEW:**

A. PV651-020757, dated March 20, 2002 - payable to Andrew Miller, in the amount of \$47.15, and a payment to Wells Fargo - Visa for food purchased from Hy-Vee, in the amount of \$362. These payments were for a "Law Enforcement Response to Weapons of Mass Destruction" course in cooperation of the U.S. Department of Justice and Louisiana State University.

Terry Wagner, Sheriff, explained that providing lunch was a requirement for the Sheriff's Office to host the event in an effort to keep participants in-house.

MOTION: Campbell moved and Heier seconded approval of PV651-020757. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **CLAIMS:** Approval of all claims processed through Tuesday, April 9, 2002.

MOTION: Heier moved and Campbell seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

The Chair introduced Pat Lloyd, General Manager for the Nebraska State Board of Agriculture.

Mr. Lloyd stated he was pleased to be in Nebraska and looked forward to working with the County and the City.

4) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence was presented to Angela Henry, an employee in the Corrections Department, for March, 2002.

5) **PUBLIC HEARINGS:**

A. Continuation of a public hearing regarding an application for a Class B (Beer Off Sale Only) and a Class M (Bottle Club) liquor license from LEEANN INC. d/b/a "Merle's Food & Drink" located at 8250 West "O" Street in Lancaster County, Nebraska.

The Chair reconvened the public hearing and asked if anyone wished to provide testimony in favor of the application, in the opposition or in a neutral position.

No one appeared and the hearing was closed.

(Heier exited the Chambers at 1:40 p.m.)

B. County Special Permit 191, Pheasant Pointe Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Winona Ketelhut, Patricia Slaughter and Connie Heier, consisting of nine single family lots, on property generally located at South 148th Street and Yankee Hill Road in Lancaster County, Nebraska.

C. City/County Preliminary Plat 01022, Pheasant Pointe, requested by Brian D. Carstens and Associates on behalf of Winona Ketelhut, Patricia Slaughter and Connie Heier, consisting of nine lots and four outlots, on property generally located at South 148th Street and Yankee Hill Road in Lancaster County, Nebraska.

5) **PUBLIC HEARINGS CONTINUED:**

The Chair requested that Items 5B and 5C be heard together.

The Chair opened the hearings and asked if anyone wished to provide testimony in favor of the proposals, in opposition or in a neutral position.

Brian Carstens, appearing on behalf of the applicants, stated the development consisted of eight, three-acre lots and one, 20-acre lot. He added that there would be a private roadway, Lancaster County rural water and private septic systems on each lot. Carstens also said they have standard waivers of sidewalks, street trees, landscape screens and street lighting.

In response to a question asked by Campbell regarding individual wells, Carstens stated rural water would be used, however, in the event rural water is not available individual wells could be used for the irrigation of lawns.

Mike DeKalb, Planning Department, clarified that individual property owners may opt for an individual well instead of rural. However, when a subdivision comes through, the property owner will be required to lay the rural water line in on the private road, but will have the option of hookup or retaining the individual well.

The Chair asked if anyone else wished to testify.

No one appeared and the hearings were closed.

MOTION: Campbell moved and Stevens seconded to direct the County Attorney's Office to prepare a resolution adopting County Special Permit 191, Pheasant Pointe Community Unit Plan and City/County Preliminary Plat 01022, Pheasant Pointe. Workman, Hudkins, Campbell and Stevens voted aye. Heier was absent from voting. Motion carried.

6) **OLD BUSINESS:**

A. **An agreement with the City of Lincoln d/b/a Lincoln Electric System to assist the City in funding to fill the vacant position of Administrative Assistant to the Mayor for services related to economic development opportunities. The County will pay \$10,416.66 for the services in the 2001-2002 fiscal year. The County shall contribute \$25,000 for each subsequent fiscal year. (C-02-92)**

6) **OLD BUSINESS CONTINUED:**

David Johnson, Deputy County Attorney, noted the following changes:

Subsection 2: Addition of "The Administrative Assistant to the Mayor, Economic Development shall work directly with the Urban Development Department and other City-County agencies in performing the job duties."

Subsection 4: Addition of "All proposed projects and scope of work associated therewith shall be subject to a unanimous approval of the City, County and Lincoln Electric System."

Subsection 5: Addition of "The job performance of the Administrative Assistant to the Mayor, Economic Development shall annually be reviewed. The job performance evaluation shall be done jointly by the Mayor and the County Board."

MOTION: Heier moved and Hudkins seconded approval.

Stevens stated he was not comfortable committing ongoing new County dollars for the position and would be in favor of evaluating funding from other economic accounts to support the position.

Workman and Hudkins concurred.

ROLL CALL: Stevens, Workman, Heier and Hudkins voted aye. Campbell voted no. Motion carried.

B. A political subdivision tort claim filed against the Lancaster County Engineering Department by Gary L. Blum for damaged property.

Johnson recommended the claim be approved in the amount of \$965.

MOTION: Hudkins moved and Stevens seconded approval of the tort claim filed by Gary L. Blum in the amount of \$965. Heier, Workman, Stevens and Hudkins voted aye. Campbell declared a conflict of interest and abstained from voting. Motion carried.

6) **OLD BUSINESS CONTINUED:**

- C. A political subdivision tort claim filed against Lancaster County by Barbara J. Bais and Gregory R. Pettibone for overpayment of taxes, in the amount of \$3,014.08.**

Robin Hendricksen, representing Barbara Bais and Gregory Pettibone, offered an addendum to a purchase agreement into the record (Exhibit 1) and gave a summary of the claim and their concerns. Hendricksen stated that the claimants would like to request the claim be amended.

MOTION: Campbell moved and Hudkins seconded to defer processing the tort claim filed against Lancaster County By Barbara J. Bais and Gregory R. Pettibone for one week to allow the claimants to submit any amendments to the claim. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

7) **NEW BUSINESS:**

- A. An application for a Special Designated License from the Wine Merchants, Inc. to hold the Niebrugge wedding reception on Saturday, April 27, 2002 from 4 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams, in Lancaster County, Nebraska.**

MOTION: Campbell moved and Stevens seconded approval. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

- B. An application for a Special Designated License from the Nebraska State Board of Agriculture to hold the 2002 Tour de Fat Festival on Saturday, April 27, 2002 from 7 a.m. to 7 p.m. at State Fair Park. The Tour de Fat Festival raises awareness and money for local cycling causes.**

Jaime Parr, Space Rental Manager with the Nebraska State Board of Agriculture, appeared and gave a summary of the event.

In response to a question asked by Stevens, Parr stated the cycling tours would begin and end in State Fair Park.

Workman inquired about the hours of service in relation to alcohol.

Parr responded they would begin serving at 11 a.m. and stop at 6 p.m., however, there would be a possibility of serving until 7 p.m. if there was high attendance at the festival.

7) **NEW BUSINESS CONTINUED:**

Deb Sprague, Executive Director of the Lincoln Council on Alcoholism and Drugs (LCAD), appeared and expressed the following concerns:

- Promotion of a product rather than an event
- Target audience
- Non-profit organization involved

MOTION: Campbell moved and Heier seconded approval of the Special Designated License with the provision that a letter be sent to Rich Rodenburg from the Chair of the County Board regarding the designated charities and requesting Mr. Rodenburg to contact the Lincoln Council on Alcoholism and Drugs.

Stevens asked if the County Board could specify the hours alcohol is served.

The maker of the motion clarified that the hours which alcohol could be served were from 11 a.m. to 6 p.m.

The seconder agreed.

ROLL CALL: Heier, Campbell and Stevens voted aye. Hudkins and Workman voted no. Motion carried.

C. Reconsideration of County Board action on April 2, 2002 for approval of an amendment to an agreement with Tom Martin, D.D.S. for the provision of dental needs of individuals housed in the Lancaster County Corrections facilities. The amendment extended the agreement until May 1, 2002, with all other terms and conditions remaining in effect. Request of the amendment is to extend the agreement until June 1, 2002. (C-02-136)

David Johnson, Deputy County Attorney, explained that the item which was approved April 2nd was incorrectly captioned. He stated the contract which was signed was correct, however, the Board should reconsider their previous motion and approve the correct date so that the motion correctly reflects what the contract reflects.

MOTION: Hudkins moved and Stevens seconded to reconsider the County Board's previous action on April 2, 2002 for approval of an amendment to an agreement with Tom Martin, D.D.S. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Campbell seconded to approve the amendment to an agreement with Tom Martin, D.D.S. extending the agreement until June 1, 2002. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

D. Contracts between the Lancaster County Noxious Weed Control Authority and the following for weed control services, beginning April 1, 2002 and ending December 31, 2002 with an option for renewal of two additional one year periods. Prices are as listed in the bidding schedule.

- "All Care" Grounds Management (C-02-0141)
- Bags O' Grass Lawn Service (C-02-0142)
- Best Kept Lawn Care (C-02-143)

This item was held at the request of the County Attorney's Office.

E. An interlocal agreement with the City of Lincoln for a combined weed control plan in Lancaster County and the City of Lincoln. The County will provide weed control abatement in the City, with the City compensating the County at 50 percent of the proposed budget for weed control. The contract is from year to year unless terminated by mutual consent or unilaterally upon giving 30 days notice. (C-02-0151)

MOTION: Heier moved and Campbell seconded approval. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

F. An agreement with Country Inn & Suites for room rental on May 8, 2002 from 8 a.m. to 5 p.m. for "Staff Development Day" for the Lancaster County Community Mental Health Center. The County shall pay \$500 for the rental of the Nebraska Ballroom. (C-02-0152)

This item was held at the request of the County Attorney's Office.

G. An agreement between Speece-Lewis Engineers and the Lancaster County Engineering Department for preliminary survey, roadway design and plan preparation relating to the reconstruction of Bluff Road from North 148th Street to North 190th Street. The work will be completed by July 5, 2002. The County will pay \$26,000 for the services. (C-02-0153)

7) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

H. A resolution in the matter of an application for a Class B (Beer Off Sale Only) and a Class M (Bottle Club) liquor license from LEEANN INC. d/b/a "Merle's Food & Drink" located at 8250 West "O" Street in Lancaster County, Nebraska. (R-02-0036)

MOTION: Heier moved and Hudkins seconded approval of Resolution 02-0036. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

I. A group application for life insurance coverage with Mutual of Omaha for County employees to begin June 1, 2002.

MOTION: Hudkins moved and Stevens seconded approval. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

J. Authorization and approval for Dave Kroeker, Budget and Fiscal Officer, to direct Wells Fargo to invest renewal and replacement funds which are currently in money market funds in the amount of \$500,000 for two year maturity and \$1,500,000 for three year maturity in federally backed funds. These are Leasing Corporation funds held with Wells Fargo as trustee.

MOTION: Hudkins moved and Stevens seconded approval. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

K. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Nebraska Machinery Company, in the amount of \$306,800, for the purchase of two motor graders with trade-in allowance and mounting of the County's existing snow plows. In addition, it is recommended to approve the service guarantee stating the seller will pay for all costs of parts and labor in excess of \$2,400 per unit during the next seven years and the guaranteed repurchase of \$90,000 per motor grader after seven years. (B-02-0017)

MOTION: Hudkins moved and Stevens seconded approval. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

L. Recommendations from the Lancaster County Personnel Policy Board for the following:

- Change the pay grade for Geographic Information Systems Manager (Class Code 7530) from \$47,022.56 to \$62,495.68 (C29) to a proposed pay grade of \$49,281.44 to \$65,565.76 (C30).
- Delete the Juvenile Care Specialist I classification (Class Code 7865).
- Delete the Juvenile Care Specialist II classification (Class Code 7866).
- Amend Rule 19.7(a) of the Personnel Rules - Special Leave.
- Create Workplace Violence Prevention Policy.

Don Thomas, County Engineer, stated he would like to discuss the Geographic Information Systems (GIS) Manager position. He explained he was uncomfortable with the salary because there is only a five percent difference between the GIS Records Supervisor and the GIS Manager.

Diane Staab, Deputy County Attorney, gave a brief summary of the change and stated it was Thomas' suggestion to raise the manager position to a Class Code of C31 rather than C30.

Staab suggested that the County Board approve the recommendation as presented with the provision that the Personnel Department review the position within 12 months.

Thomas also suggested that the change be retroactive to the date that all other GIS positions in the County Engineering Department were upgraded.

MOTION: Campbell moved and Hudkins seconded approval of the recommendations from the Lancaster County Personnel Policy Board with the following additions: 1) The Geographic Information Systems Manager be retroactive to the date that all other GIS positions were upgraded and 2) Request the Personnel Department review the GIS Manager position along with the corresponding position in the county Engineering Department within the next 12 months. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

M. A request from Burr Wolff, on behalf of Fleet Business Credit Corporation, for a refund of personal property taxes, in the approximate amount of \$695.81 for 2000.

MOTION: Campbell moved and Heier seconded approval. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

N. A request from Wilderness Park Estates Development Company, LLC. for a credit of real estate taxes for 2001, in the approximate amount of \$235.16.

MOTION: Hudkins moved and Heier seconded approval. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

8) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. **Receive and Place on File:**

1. County Clerk's Monthly Report for March, 2002.
2. Lancaster Manor's Monthly Report.
3. Noxious Weed Control Authority's 2002 plan for the Combined Weed Program with the City of Lincoln.

B. **Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:**

- Thomas J. Fitchett, Trustee, at Northwest 27th Street and Highway 34, in the total amount of \$13,117; Project 01-23. (2 contracts) (C-02-0144 and C-02-145)
- Linda and Philip Mullin, on Van Dorn Street from 112th to 120th Streets, in the amount of \$5,038.80; Project C55-J-409(1). (C-02-0146)
- Aginvest, on Saltillo Road from South 84th to South 98th Streets, in the amount of \$100; Project C55-PQ-406(1). (C-02-0147)
- Don and Noreen Crawford, on Saltillo Road from South 84th to South 98th Streets, in the total amount of \$7,471; Project C55-PQ-406(1). (2 contracts) (C-02-0148 and C-02-0149)

8) **CONSENT ITEMS CONTINUED:**

MOTION: Hudkins moved and Campbell seconded approval of the Consent Items. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: At 3:15 p.m. Campbell moved and Stevens seconded adjournment of the Board of Commissioners meeting. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk